

ASSEMBLY BILL

No. 399

Introduced by Assembly Member Montanez

February 15, 2005

An act to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 399, as introduced, Montanez. Recycling: multifamily dwellings.

(1) Existing law, the California Integrated Waste Management Act of 1989, establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. On and after January 1, 2000, the element is required to divert 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities.

This bill would require the board, by May 1, 2006, to make available one or more model ordinances that may be adopted by a local agency to facilitate solid waste reduction, reuse, and recycling programs at multifamily dwellings, as defined, and to post specified information on the board's Internet Web site. The bill would require a local agency, when issuing a building permit to an owner or a manager of a multifamily dwelling, after July 1, 2006, to provide specified information to the owner or manager on programs that can be implemented to reduce, reuse, and recycle solid waste materials

generated at the multifamily dwelling, thereby imposing a state-mandated local program by imposing a new duty on a local agency.

The bill would require the owner or a manager of the residential facility to notify, in writing, the residents of the multifamily dwelling about the methods they may utilize to reduce, reuse, and recycle solid waste materials. The bill also would require an owner of a multifamily dwelling that requires the issuance of a new building permit, on and after July 1, 2006, to arrange for recycling services for residents.

The bill would require the recycler or the solid waste enterprise that provides solid waste handling services to a multifamily dwelling, by July 1, 2006, and on or before July 1, biennially thereafter, to meet with the owner or manager to determine the solid waste reduction, reuse, and recycling programs that are appropriate for the multifamily dwelling. The bill would also require a solid waste enterprise that provides solid waste handling services to a multifamily dwelling, after July 1, 2006, to provide solid waste reduction, reuse, and recycling programs that are appropriate for the multifamily dwelling, if requested by the owner or manager.

The bill would require the board to provide technical assistance and tools to implement the bill's requirements. The bill would allow a local agency to charge and collect a fee from an owner or manager of a multifamily dwelling in order to recover the local agency's estimated costs incurred in complying with the bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 12.8 (commencing with Section 42649)
- 2 is added to Part 3 of Division 30 of the Public Resources Code,
- 3 to read:

42649. For purposes of this chapter, the following definitions shall apply:

(b) “Multifamily dwelling” means a residential facility that consists of five or more living units.

42469.1. On or before May 1, 2006, the board shall take all of the following actions:

(b) In developing the model ordinance, consult with representatives of the League of California Cities, the California State Association of Counties, California Apartment Association, recyclers, private and public solid waste services and appropriate personnel involved with the operation and management of multifamily dwellings.

(d) Post information on the board's Internet Web site on methods residents of multifamily dwellings can utilize to reduce, reuse, and recycle solid waste materials generated at multifamily dwellings.

42469.2. On and after July 1, 2006, when issuing a building permit to an owner or a manager of a multifamily dwelling, a local agency shall provide information to the owner or manager on programs that can be implemented to reduce, reuse, and recycle solid waste materials generated at the multifamily

1 dwelling, and provide contact information about where solid
2 waste materials may be donated, recycled, or composed. This
3 information may include, but is not limited to, providing
4 information directing the owner or manager of the multifamily
5 dwelling to the board's Web site or any other appropriate Web
6 site included by the local agency, direct mailings, brochures, or
7 other relevant literature.

8 42469.3. (a) The owner or a manager of a multifamily
9 dwelling shall notify, in writing, the residents of the multifamily
10 dwelling about the methods they may utilize to reduce, reuse, and
11 recycle solid waste materials. The owner or manager may post
12 the written notice in a common area of the dwelling and shall
13 provide the written notice to a new resident within five days.

14 (b) The information provided pursuant to subdivision (a) may
15 include, but is not limited to, providing information directing the
16 resident to the board's Web site or any other appropriate Web
17 site of a local agency, recycler, or community conservation
18 corps, direct mailings, brochures, or other relevant literature.

19 (c) On and after July 1, 2006, an owner of a multifamily
20 dwelling that requires the issuance of a new building permit shall
21 arrange for recycling services for residents through contract with
22 either a solid waste enterprise, local agency, recycler, or through
23 other arrangements and in accordance with Section 42911.

24 42469.5. (a) On or before July 1, 2006, and on or before July
25 1, biennially thereafter, the recycler and or the solid waste
26 enterprise that provides solid waste handling services to a
27 multifamily dwelling, whether by an exclusive franchise with the
28 local agency, or by a permit, contract, or nonexclusive franchise,
29 shall meet with the owner or manager of the multifamily
30 dwelling to determine the solid waste reduction, reuse, and
31 recycling programs that are appropriate for the multifamily
32 dwelling. In determining feasible solid waste reduction, reuse,
33 and recycling programs, the owner or manager may do any of the
34 following:

35 (1) Develop solid waste reduction, reuse, and recycling rates
36 and a solid waste reduction, reuse, and recycling plan that would
37 achieve those solid waste reduction, reuse, and recycling rates.

38 (2) Determine a timeline for implementation of the solid waste
39 reduction, reuse, and recycling plan and solid waste reduction,
40 reuse, and recycling rates.

1 (b) On and after July 1, 2006, a solid waste enterprise that
2 provides solid waste handling services to a multifamily dwelling,
3 whether by an exclusive franchise with the local agency, or by a
4 permit, contract, or nonexclusive franchise shall provide solid
5 waste reduction, reuse, and recycling programs that are
6 appropriate for the multifamily dwelling, if requested by the
7 owner or manager of the multifamily dwelling.

8 42469.6. (a) The board shall provide technical assistance and
9 tools to implement this chapter, to the extent feasible, under
10 existing financial resources. This technical assistance may
11 include, but is not limited to, model documents, training, research
12 on solid waste management best practices, cost reduction,
13 signage for recycling containers, and innovative products to
14 assist local agencies and owners or managers of multifamily
15 dwellings to develop and implement effective solid waste
16 reduction, reuse, and recycling plans and rates.

17 (b) A local agency may charge and collect a fee from the
18 owner or manager of a multifamily dwelling to recover the local
19 agency's estimated costs incurred in complying with this chapter.

20 42469.8. (a) This chapter does not limit or modify the
21 authority of a local agency to enact an ordinance relating to
22 recycling at multifamily dwellings.

23 (b) This chapter shall not apply to an owner in a jurisdiction
24 where a local agency has adopted an ordinance requiring an
25 owner of a multifamily dwelling to provide recycling services to
26 its residents.

27 SEC. 2. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 a local agency or school district has the authority to levy service
30 charges, fees, or assessments sufficient to pay for the program or
31 level of service mandated by this act, within the meaning of
32 Section 17556 of the Government Code.